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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96470

Francois LE MANER, et al.

National Stage of: PCT/FR2005/050145

Appln. No.: 10/588,716

Group Art Unit: 3754

Confirmation No.: 1158

Examiner: Not Yet Assigned

Filed: August 8, 2006

For: CLAMPING RING AND LIQUID PRODUCT DISTRIBUTING DEVICE COMPRISING
SUCH A RING (as amended)

**SUBMISSION OF ENGLISH TRANSLATION OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY**

MAIL STOP PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

For the Examiner's convenience, enclosed herewith is a copy of an English translation of the International Preliminary Report on Patentability for the above-identified application. It is noted that the six (6) references cited in the Report were previously listed on the PTO/SB/08 form submitted with the Information Disclosure Statement filed in the U.S. Patent and Trademark Office on August 8, 2006, along with copies of the foreign references.

Respectfully submitted,

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WASHINGTON OFFICE

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(règles 44bis.3.c) et 72.2 du PCT)

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CAPRI
33 rue de Naples
F-75008 Paris
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Référence du dossier du déposant ou du mandataire VALS 838 PCT	NOTIFICATION IMPORTANTE
Demande internationale n° PCT/FR2005/050145	Date du dépôt international (jour/mois/année) 03 mars 2005 (03.03.2005)
Déposant VALOIS SAS etc	

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(Chapter II of the Patent Cooperation Treaty)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2005/050145

Box No. 1 Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-6 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-11 _____ received by this Authority on 28.12.2005 with letter
- nos.* _____ received by this Authority on of 27.12.2005
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2005/050145

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-11

YES

Claims

NO

Inventive step (IS)

Claims 1-11

YES

Claims

NO

Industrial applicability (IA)

Claims 1-11

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: WO 00/41951 A (CROWN CORK & SEAL TECH CORP) 20
July 2000 (2000-07-20)

D2: FR-A-2 516 058 (CEBAL) 13 May 1983 (1983-05-13)

D3: FR-A-2 842 875 (VALOIS SA) 30 January 2004 (2004-
01-30)

D4: DE 79 04 531 U (GROTHOFF HANS) 30 April 1980
(1980-04-30)

D5: GB-A-2 344 621 (BESPAK PLC) 14 June 2000 (2000-06-
14)

D6: EP-A-0 498 275 (TADA TETSUYA) 12 August 1992
(1992-08-12)

2. D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document): a ring (10) for fastening a dispensing member (90), such as a pump or a valve, onto a neck (20) of a container (29) containing a product to be dispensed, which comprises deformable sealing means (32) engaging said neck of said container to fasten said dispensing member sealingly thereto.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2005/050145

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Consequently, the subject matter of claim 1 differs from this known fastening ring in that the sealing means comprise two deformable lips.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can be considered to be that of improving the seal.

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)) for the following reasons: D1 discloses only one deformable lip as sealing means, but none of documents D2 to D6 discloses two deformable lips.

3. Claims 2 to 11 are dependent on claim 1 and thus also comply, as such, with the PCT requirements of novelty and inventive step.
4. Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in D1 has not been indicated in the description, nor has said document been cited.